

applicable, the DUNS+4 number, via the Internet at <http://www.ccr.gov> or by calling toll free: (888) 227-2423, commercial: (269) 961-5757.

* * * * *

[FR Doc. 04-1209 Filed 1-20-04; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF JUSTICE

28 CFR Parts 31, 33, 38, 90, 91, and 93

[Docket No. OAG 106; AG Order No. 2703-2004]

RIN 1105-AA83

Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of All Justice Department Program Participants

AGENCY: Office of the Attorney General, Justice.

ACTION: Final rule.

SUMMARY: This final rule implements executive branch policy that, within the framework of constitutional church-state guidelines, religiously affiliated (or "faith-based") organizations should be able to compete on an equal footing with other organizations for the Department's funding. It revises Department regulations to remove barriers to the participation of faith-based organizations in Department programs and to ensure that these programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment.

DATES: Effective Date: February 20, 2004.

FOR FURTHER INFORMATION CONTACT: Patrick Purtill, Director, Task Force for Faith-Based and Community Initiatives, Department of Justice, Room 4409, 950 Pennsylvania Avenue, NW., Washington, DC 20530; telephone: (202) 305-8283 (this is not a toll-free number). Hearing or speech-impaired individuals may access this telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339. For program-specific information, contact the following offices: Office of Justice Programs—Bureau of Justice Assistance, (202) 307-0635; Office of Juvenile Justice and Delinquency Prevention, (202) 307-5924; National Institute of Justice, (202) 307-2942; Office for Victims of Crime, (202) 514-4696; Office on Violence Against Women, (202) 307-6026; Executive Office for Weed and Seed, (202) 616-1152; Bureau of Prisons, (202)

307-3198; National Institute of Corrections, (202) 307-3106; Community Oriented Policing Services (COPS), (202) 307-1480. These are not toll-free numbers. Hearing or speech-impaired individuals may access these telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Background—The September 30, 2003 Proposed Rule

On September 30, 2003, the Department published a proposed rule (68 FR 56410) to amend Department regulations that imposed unwarranted barriers to the participation of faith-based organizations in Department programs. The proposed rule was part of the Department's effort to fulfill its responsibilities under two Executive Orders issued by President Bush. The first of these Orders, Executive Order 13198 of January 29, 2001, published in the **Federal Register** on January 31, 2001 (66 FR 8497), created Centers for Faith-Based and Community Initiatives in five cabinet departments—Housing and Urban Development, Health and Human Services, Education, Labor, and Justice—and directed these Centers to identify and eliminate regulatory, contracting, and other programmatic obstacles to the equal participation of faith-based and community organizations in the provision of social services by their Departments. The second of these Executive Orders, Executive Order 13279 of December 12, 2002, published in the **Federal Register** on December 16, 2002 (67 FR 77141), charged executive branch agencies to give equal treatment to faith-based and community groups that apply for funds to meet social needs in America's communities. President Bush thereby called for an end to discrimination against faith-based organizations and ordered implementation of these policies throughout the executive branch in a manner consistent with the First Amendment to the United States Constitution. He further directed that faith-based organizations be allowed to retain their religious autonomy over their internal governance and composition of boards, and over their display of religious art, icons, scriptures, or other religious symbols, when participating in government-funded programs. The Administration believes that there should be an equal opportunity for all organizations—both religious and nonreligious—to participate as partners in Federal programs.

Consistent with the President's initiative, the Department's proposed rule of September 30, 2003 proposed to remove unwarranted barriers to the participation of faith-based organizations by amending the regulations for the following Department offices:

1. Office of Justice Programs (OJP).
2. Bureau of Prisons (BOP).
3. National Institute of Corrections (NIC).
4. Community Oriented Policing Services (COPS).
5. Office on Violence Against Women (OVW).
6. United States Marshals Service.
7. Asset Forfeiture and Money Laundering Section of the Criminal Division.
8. Civil Rights Division.

The objective of the proposed rule was to ensure that these offices—and in particular the discretionary grants, formula grants, contracts, cooperative agreements, and other assistance administered through them—were open to all qualified organizations, regardless of their religious character, and to establish clearly the proper uses to which funds could be put and the conditions for receipt of funding. In addition, this proposed rule was designed to ensure that the implementation of the Department's programs would be conducted in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment. The proposed rule had the following specific objectives:

1. *Participation by faith-based organizations in Justice Department programs.* The proposed rule provided that organizations would be eligible to participate in Department programs without regard to their religious character or affiliation, and that organizations could not be excluded from the competition for Department funds simply because they were religious. Specifically, religious organizations would be eligible to compete for funding on the same basis, and under the same eligibility requirements, as all other nonprofit organizations. The Department, as well as State and local governments administering funds under Department programs, would be prohibited from discriminating against organizations on the basis of religion, religious belief, or religious character in the administration or distribution of Federal financial assistance, including grants, contracts, and cooperative agreements.

2. *Inherently religious activities.* The proposed rule described the requirements that would be applicable